

**UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA**

INSTRUCTIONS

HOW TO REQUEST AN ORDER:

- (1) AUTHORIZING YOU TO PAY THE FILING FEE IN INSTALLMENTS; OR
(2) EXCUSING YOU FROM PAYING THE FILING FEE IN A CHAPTER 7 CASE**

If you cannot afford to pay the full fee at the time of filing, you may apply to pay the fee in installments. A form, which is available from the Clerk of the Court, must be completed to make that application. If your application to pay in installments is approved, you will be permitted to file your petition, completing payment of the fee within six months.

Permission to do so is only given when the judge is persuaded by testimony given under oath that usually you cannot afford to pay the entire filing fee, and are not filing bankruptcy to forestall eviction from residential premises occupied on a month-to-month tenancy or on a tenancy at will, or for any improper purpose.

The procedure for requesting permission to pay fees in installments is as follows:

1. Tell the clerk that you wish to request permission from the Court to pay the filing fee in installments.
2. Complete the "Application to Pay Filing Fee in Installments."
3. Return the application form and your filing papers, i.e., petition, to the filing window where you obtained the installment payment information.
4. Be prepared to show the clerk a California driver's license, California identification card, or other similar form of identification.
5. Ask the clerk for the name of the judge who will rule on your motion, the time and location of a hearing, if a hearing is required.

IF YOU ARE REQUIRED TO APPEAR AT A HEARING AND FAIL TO APPEAR, THE MOTION WILL BE DENIED. YOU MAY NOT BE PERMITTED TO FILE ANY BANKRUPTCY CASE FOR 180 DAYS FROM THE DATE OF THE HEARING, AND YOU AND YOUR PROPERTY MAY NOT BE PROTECTED FROM THE ACTIONS OF YOUR CREDITORS IF YOU DO FILE A BANKRUPTCY CASE DURING THOSE 180 DAYS OR LATER.

The hearing on your application will take place in a courtroom and will be conducted by a United States Bankruptcy Judge.

If your application is denied, you must pay the fees in full within the time ordered by the judge or your bankruptcy case will be dismissed; and if the judge orders, you may not file another bankruptcy case for 180 days from the date of the hearing. **IF (1) YOUR CASE IS DISMISSED AND (2) YOU FILE BANKRUPTCY AGAIN WITHIN THE NEXT YEAR, IT IS LIKELY THAT YOU WILL BE TREATED AS HAVING FILED MORE THAN ONE BANKRUPTCY CASE WITHIN A 12-MONTH PERIOD. IF THIS OCCURS, IT MAY SIGNIFICANTLY REDUCE THE PROTECTION YOU WILL RECEIVE FROM THE AUTOMATIC STAY IN THE LATER BANKRUPTCY CASE.**

If your application is granted, it will almost always be necessary for you to make a first installment payment immediately after the hearing. The number of installments permitted shall not exceed four, and the final installment shall be payable not later than 120 days after the filing of the petition, unless extended by the Court for cause shown to a date not later than 180 days after the date of the filing of the petition. Failure to pay any installment when due may be grounds for dismissal of the case upon notice and hearing.

In a chapter 7 case, if you cannot afford to pay the fee either in full at the time of filing or in installments, then you may request an order excusing you from paying the filing fee by completing an “Application for Waiver of the Chapter 7 Filing Fee for Individuals Who Cannot Pay the Filing Fee in Full or In Installments” and filing it with the Clerk of the Court along with your petition. Permission to do so is only given when the judge is persuaded by testimony given under oath that usually you cannot afford to pay the entire filing fee, and are not filing bankruptcy to forestall eviction from residential premises occupied on a month-to-month tenancy or on a tenancy at will, or for any improper purpose. A judge will decide whether you have to pay the fee.

By law, you may be excused from paying the fee only if your income is less than 150 percent of the official poverty line applicable to your family size and you are unable to pay the fee in installments. See the attached U.S. Department of Health and Human Services (DHHS) table to determine if you are eligible.

Required information. Complete all items in the application, and attach requested schedules. Then sign the application on the last page. If you and your spouse are filing a joint bankruptcy petition, you both must provide information as requested and sign the application.

The procedure for requesting an order for excusing you from paying the filing fee in a chapter 7 case is as follow:

1. Tell the clerk that you wish to request permission from the Court to be excused from paying the filing fee installments.
2. Complete an “Application for Waiver of the Chapter 7 Filing Fee for Individuals Who Cannot Pay the Filing Fee in Full or In Installments.”
3. Return the application form and your filing papers, i.e., petition, to the filing window where you obtained the installment payment information.
4. Be prepared to show the clerk a California driver’s license, California identification card, or other similar form of identification.
5. Ask the clerk for the name of the judge who will rule on your motion, the time and location of a hearing, if a hearing is required.

You may submit both applications only if you believe you are eligible for both: (1) being excused from paying the filing fee in full, and (2) if the judge disagrees, paying the filing fee in installments.

If your income is greater than the amount set forth in the attached U.S. Department of Health and Human Services (DHSS) table and you can swear truthfully under oath that you cannot pay the full filing fee today, then only submit the Application to Pay Filing Fee in Installments.

150% of the HHS Poverty Guidelines for 2012*
Monthly Basis

Persons in family unit	48 Contiguous States and D.C.	Alaska	Hawaii
1	\$1,396.25	\$1,746.25	\$1,607.50
2	\$1,891.25	\$2,365.00	\$2,176.25
3	\$2,386.25	\$2,983.75	\$2,745.00
4	\$2,881.25	\$3,602.50	\$3,313.75
5	\$3,376.25	\$4,221.25	\$3,882.50
6	\$3,871.25	\$4,840.00	\$4,451.25
7	\$4,366.25	\$5,458.75	\$5,020.00
8	\$4,861.25	\$6,077.50	\$5,588.75
For each additional person add	\$495.00	\$618.75	\$568.75

* As required by section 673(2) of the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97-35 - reauthorized by Pub. L. 105-285, Section 201 (1988)).

150% of the HHS Poverty Guidelines for 2012* Annual Basis			
Persons in family unit	48 Contiguous States and D.C.	Alaska	Hawaii
1	\$16,755	\$20,955	\$19,290
2	\$22,695	\$28,380	\$26,115
3	\$28,635	\$35,805	\$32,940
4	\$34,575	\$43,230	\$39,765
5	\$40,515	\$50,655	\$46,590
6	\$46,455	\$58,080	\$53,415
7	\$52,395	\$65,505	\$60,240
8	\$58,335	\$72,930	\$67,065
For each additional person add	\$5,940	\$7,425	\$6,825
* As required by section 673(2) of the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97-35 - reauthorized by Pub. L. 105-285, Section 201 (1988)).			

UNITED STATES BANKRUPTCY COURT

____ District Of _____

In re _____,
Debtor

Case No. _____

Chapter _____

APPLICATION TO PAY FILING FEE IN INSTALLMENTS

1. In accordance with Fed. R. Bankr. P. 1006, I apply for permission to pay the filing fee amounting to \$_____ in installments.
2. I am unable to pay the filing fee except in installments.
3. Until the filing fee is paid in full, I will not make any additional payment or transfer any additional property to an attorney or any other person for services in connection with this case.
4. I propose the following terms for the payment of the Filing Fee.*

\$_____ Check one ☐ With the filing of the petition, or
☐ On or before _____

\$_____ on or before _____

\$_____ on or before _____

\$_____ on or before _____

* The number of installments proposed shall not exceed four (4), and the final installment shall be payable not later than 120 days after filing the petition. For cause shown, the court may extend the time of any installment, provided the last installment is paid not later than 180 days after filing the petition. Fed. R. Bankr. P. 1006(b)(2).

5. I understand that if I fail to pay any installment when due, my bankruptcy case may be dismissed and I may not receive a discharge of my debts.

Signature of Attorney Date_____
Signature of Debtor Date
(In a joint case, both spouses must sign.)_____
Name of Attorney_____
Signature of Joint Debtor (if any) Date

DECLARATION AND SIGNATURE OF NON-ATTORNEY BANKRUPTCY PETITION PREPARER (See 11 U.S.C. § 110)

I declare under penalty of perjury that: (1) I am a bankruptcy petition preparer as defined in 11 U.S.C. § 110; (2) I prepared this document for compensation and have provided the debtor with a copy of this document and the notices and information required under 11 U.S.C. §§ 110(b), 110(h), and 342(b); (3) if rules or guidelines have been promulgated pursuant to 11 U.S.C. § 110(h) setting a maximum fee for services chargeable by bankruptcy petition preparers, I have given the debtor notice of the maximum amount before preparing any document for filing for a debtor or accepting any fee from the debtor, as required under that section; and (4) I will not accept any additional money or other property from the debtor before the filing fee is paid in full.

Printed or Typed Name and Title, if any, of Bankruptcy Petition Preparer_____
Social-Security No. (Required by 11 U.S.C. § 110.)

If the bankruptcy petition preparer is not an individual, state the name, title (if any), address, and social-security number of the officer, principal, responsible person, or partner who signs the document.

Addressx _____
Signature of Bankruptcy Petition Preparer_____
Date

Names and Social-Security numbers of all other individuals who prepared or assisted in preparing this document, unless the bankruptcy petition preparer is not an individual:

If more than one person prepared this document, attach additional signed sheets conforming to the appropriate Official Form for each person. A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both. 11 U.S.C. § 110; 18 U.S.C. § 156.

UNITED STATES BANKRUPTCY COURT

_____ District Of _____

In re _____,
Debtor

Case No. _____

Chapter _____

ORDER APPROVING PAYMENT OF FILING FEE IN INSTALLMENTS

☐ IT IS ORDERED that the debtor(s) may pay the filing fee in installments on the terms proposed in the foregoing application.

☐ IT IS ORDERED that the debtor(s) shall pay the filing fee according to the following terms:

\$ _____ Check one ☐ With the filing of the petition, or
☐ On or before _____

\$ _____ on or before _____

\$ _____ on or before _____

\$ _____ on or before _____

☐ IT IS FURTHER ORDERED that until the filing fee is paid in full the debtor(s) shall not make any additional payment or transfer any additional property to an attorney or any other person for services in connection with this case.

BY THE COURT

Date: _____

United States Bankruptcy Judge

**APPLICATION FOR WAIVER OF THE CHAPTER 7 FILING FEE
FOR INDIVIDUALS WHO CANNOT PAY THE FILING FEE
IN FULL OR IN INSTALLMENTS**

The court fee for filing a case under chapter 7 of the Bankruptcy Code is \$306.

If you cannot afford to pay the full fee at the time of filing, you may apply to pay the fee in installments. A form, which is available from the bankruptcy clerk's office, must be completed to make that application. If your application to pay in installments is approved, you will be permitted to file your petition, generally completing payment of the fee over the course of four to six months.

If you cannot afford to pay the fee either in full at the time of filing or in installments, you may request a waiver of the filing fee by completing this application and filing it with the Clerk of Court. A judge will decide whether you have to pay the fee. By law, the judge may waive the fee only if your income is less than 150 percent of the official poverty line applicable to your family size and you are unable to pay the fee in installments. You may obtain information about the poverty guidelines at www.uscourts.gov or in the bankruptcy clerk's office.

Required information. Complete all items in the application, and attach requested schedules. Then sign the application on the last page. If you and your spouse are filing a joint bankruptcy petition, you both must provide information as requested and sign the application.

UNITED STATES BANKRUPTCY COURT

_____ District of _____

In re: _____
Debtor(s)Case No. _____
(if known)**APPLICATION FOR WAIVER OF THE CHAPTER 7 FILING FEE
FOR INDIVIDUALS WHO CANNOT PAY THE FILING FEE IN FULL OR IN INSTALLMENTS****Part A. Family Size and Income**

1. Including yourself, your spouse, and dependents you have listed or will list on Schedule I (Current Income of Individual Debtors(s)), how many people are in your family? (Do not include your spouse if you are separated AND are not filing a joint petition.) _____

2. Restate the following information that you provided, or will provide, on Line 16 of Schedule I. Attach a completed copy of Schedule I, if it is available.

Total Combined Monthly Income (Line 16 of Schedule I): \$ _____

3. State the monthly net income, if any, of dependents included in Question 1 above. Do not include any income already reported in Item 2. If none, enter \$0.

\$ _____

4. Add the "Total Combined Monthly Income" reported in Question 2 to your dependents' monthly net income from Question 3.

\$ _____

5. Do you expect the amount in Question 4 to increase or decrease by more than 10% during the next 6 months? Yes ___ No ___

If yes, explain.

Part B. Monthly Expenses

6. EITHER (a) attach a completed copy of Schedule J (Schedule of Monthly Expenses), and state your total monthly expenses reported on Line 18 of that Schedule, OR (b) if you have not yet completed Schedule J, provide an estimate of your total monthly expenses.

\$ _____

7. Do you expect the amount in Question 6 to increase or decrease by more than 10% during the next 6 months? Yes ___ No ___

If yes, explain.

Part C. Real and Personal Property

EITHER (1) attach completed copies of Schedule A (Real Property) and Schedule B (Personal Property), OR (2) if you have not yet completed those schedules, answer the following questions.

8. State the amount of cash you have on hand. \$ _____

9. State below any money you have in savings, checking, or other accounts in a bank or other financial institution.

Bank or Other Financial Institution:

Type of Account such as savings,
checking, CD:

Amount:

\$ _____

\$ _____

10. State below the assets owned by you. **Do not list ordinary household furnishings and clothing.**

Home	Address: _____ _____	Value: \$ _____ Amount owed on mortgages and liens: \$ _____
Other real estate	Address: _____ _____	Value: \$ _____ Amount owed on mortgages and liens: \$ _____
Motor vehicle	Model/Year: _____ _____	Value: \$ _____ Amount owed: \$ _____
Motor vehicle	Model/Year: _____ _____	Value: \$ _____ Amount owed: \$ _____
Other	Description: _____ _____	Value: \$ _____ Amount owed: \$ _____

11. State below any person, business, organization, or governmental unit that owes you money and the amount that is owed.

Name of Person, Business, or Organization that Owes You Money	Amount Owed
_____	\$ _____
_____	\$ _____

Part D. Additional Information.

12. Have you paid an **attorney** any money for services in connection with this case, including the completion of this form, the bankruptcy petition, or schedules? Yes ___ No ___
If yes, how much have you paid? \$ _____
13. Have you promised to pay or do you anticipate paying an **attorney** in connection with your bankruptcy case? Yes ___ No ___
If yes, how much have you promised to pay or do you anticipate paying? \$ _____
14. Have you paid **anyone other than an attorney** (such as a bankruptcy petition preparer, paralegal, typing service, or another person) any money for services in connection with this case, including the completion of this form, the bankruptcy petition, or schedules? Yes ___ No ___
If yes, how much have you paid? \$ _____
15. Have you promised to pay or do you anticipate paying **anyone other than an attorney** (such as a bankruptcy petition preparer, paralegal, typing service, or another person) any money for services in connection with this case, including the completion of this form, the bankruptcy petition, or schedules? Yes ___ No ___
If yes, how much have you promised to pay or do you anticipate paying? \$ _____
16. Has anyone paid an attorney or other person or service in connection with this case, on your behalf? Yes ___ No ___
If yes, explain.

17. Have you previously filed for bankruptcy relief during the past eight years? Yes ____ No ____

Case Number (if known)	Year filed	Location of filing	Did you obtain a discharge? (if known)		
_____	_____	_____	Yes ____	No ____	Don't know ____
_____	_____	_____	Yes ____	No ____	Don't know ____

18. Please provide any other information that helps to explain why you are unable to pay the filing fee in installments.

19. I (we) declare under penalty of perjury that I (we) cannot currently afford to pay the filing fee in full or in installments and that the foregoing information is true and correct.

Executed on: _____	_____
Date	Signature of Debtor
_____	_____
Date	Signature of Codebtor

DECLARATION AND SIGNATURE OF BANKRUPTCY PETITION PREPARER (See 11 U.S.C. § 110)

I declare under penalty of perjury that: (1) I am a bankruptcy petition preparer as defined in 11 U.S.C. § 110; (2) I prepared this document for compensation and have provided the debtor with a copy of this document and the notices and information required under 11 U.S.C. §§ 110(b), 110(h), and 342(b); and (3) if rules or guidelines have been promulgated pursuant to 11 U.S.C. § 110(h) setting a maximum fee for services chargeable by bankruptcy petition preparers, I have given the debtor notice of the maximum amount before preparing any document for filing for a debtor or accepting any fee from the debtor, as required under that section.

Printed or Typed Name and Title, if any, of Bankruptcy Petition Preparer	Social-Security No. (Required by 11 U.S.C. § 110.)
<i>If the bankruptcy petition preparer is not an individual, state the name, title (if any), address, and social-security number of the officer, principal, responsible person, or partner who signs the document.</i>	

Address

x _____	_____
Signature of Bankruptcy Petition Preparer	Date

Names and Social-Security numbers of all other individuals who prepared or assisted in preparing this document, unless the bankruptcy petition preparer is not an individual:

If more than one person prepared this document, attach additional signed sheets conforming to the appropriate Official Form for each person.

A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both. 11 U.S.C. § 110; 18 U.S.C. § 156.

UNITED STATES BANKRUPTCY COURT

_____ District of _____

In re: _____
Debtor(s)

Case No. _____

ORDER ON DEBTOR'S APPLICATION FOR WAIVER OF THE CHAPTER 7 FILING FEE

Upon consideration of the debtor's "Application for Waiver of the Chapter 7 Filing Fee," the court orders that the application be:

☐ GRANTED.

This order is subject to being vacated at a later time if developments in the administration of the bankruptcy case demonstrate that the waiver was unwarranted.

☐ DENIED.

The debtor shall pay the chapter 7 filing fee according to the following terms:

\$ _____ on or before _____

\$ _____ on or before _____

\$ _____ on or before _____

\$ _____ on or before _____

Until the filing fee is paid in full, the debtor shall not make any additional payment or transfer any additional property to an attorney or any other person for services in connection with this case.

IF THE DEBTOR FAILS TO TIMELY PAY THE FILING FEE IN FULL OR TO TIMELY MAKE INSTALLMENT PAYMENTS, THE COURT MAY DISMISS THE DEBTOR'S CASE.

☐ SCHEDULED FOR HEARING.

A hearing to consider the debtor's "Application for Waiver of the Chapter 7 Filing Fee" shall be held on _____ at _____ am/pm at _____.
(address of courthouse)

IF THE DEBTOR FAILS TO APPEAR AT THE SCHEDULED HEARING, THE COURT MAY DEEM SUCH FAILURE TO BE THE DEBTOR'S CONSENT TO THE ENTRY OF AN ORDER DENYING THE FEE WAIVER APPLICATION BY DEFAULT.

BY THE COURT:

DATE: _____

United States Bankruptcy Judge